

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:16 CR 00020 (CDP)
)
MICHAEL MIMLITZ,)
)
Defendant.)

GOVERNMENT'S SENTENCING MEMORANDUM

The Government files this sentencing memorandum, and further files two letters from patients of Dr. Mimlitz as attachments under seal as Exhibits 1-2.

With respect to the Defendant's sentencing memorandum, the Government respectfully directs the Court to a line of cases for the proposition that the collateral consequences of a defendant's prosecution are impermissible factors when fashioning a sentence. *United States v. Musgrave*, 761 F.3d 602, 608-09 (6th Cir. 2014); *United States v. Morgan*, _Fed. Appx._, 2015 WL 6773933, pp. 17-19 (10th Cir. 2015); *see generally United States v. Stefonex*, 179 F.3d 1030, 1038 (7th Cir. 1999).

For a general discussion of the dangers of distributing Human Growth Hormone, the Government respectfully refers the Court to *United States v. Shortt*, 485 F.3d 243 (4th Cir. 2007). The Government defers to the Court to fashion a sentence that is just and fair, considering all appropriate statutory factors.

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Andrew J. Lay
Andrew J. Lay
Assistant United States Attorney
111 South 10th Street, Room 20.333
St. Louis, Missouri 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon counsel for defendant.

/s/ AUSA Andrew J. Lay